

Appl. No.: 10/000,117  
Filed: October 31, 2001  
Page 5

### REMARKS/ARGUMENTS

Reexamination and reconsideration of this Application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the remarks that follow. Claims 1-15 are pending in the application. Claims 1-15 stand rejected.

The Office previously imposed a restriction requirement on the present claims. In particular, the claims were divided into three inventions: Group I (claims 1-15) drawn to an article; Group II (claim 16) drawn to an article; and Group III (claims 17-19) drawn to an article. The Office argues inventions I, II, and III should be considered separately because they are related as mutually exclusive species in an intermediate-final product relationship.

In a telephone conversation of June 19, 2003, Applicant's representative provisionally elected, with traverse, to prosecute the invention of Group I, claims 1-15. Applicant hereby affirms said election; however, Applicant respectfully submits that as each of claims 16-19 recites a sandwich material as defined in claim 1, there is no extra burden placed on the Examiner to search and examine claims 16-19. Therefore, Applicant wishes to make of record that the affirmation of the election to prosecute the invention of Group I is made with continued traversal of the requirement.

Claims 1-6, 8-9, and 15 stand rejected under 35 U.S.C. §102(a) as being anticipated by Markaki & Clyne, "Development of an Ultralight Stainless Steel Sheet Material." The Office alleges Markaki teaches a sandwich material comprising two metal plates affixed to a fibrous core comprising a meshed network of metal fibers that may have an in-plane orientation inclined at an acute angle. Applicant respectfully requests reconsideration and withdrawal of this rejection.

According to 35 U.S.C. §102(a), a printed publication is only available as a reference if the invention was described in the publication "before the invention thereof by the applicant." The publication relied upon by the Office in support of this rejection was authored by the co-inventors of the present invention. As such, to the extent that the publication describes the

RTA01/2149665v1

Appl. No.: 10/000,117  
Filed: October 31, 2001  
Page 6

invention disclosed and claimed in the present application, the description is derived solely from the inventive work of the named co-inventors of the present application. In support of this statement, a Declaration pursuant to 37 C.F.R. §1.132 made by Trevor W. Clyne and Athina B. Markaki, co-inventors of the present application, is provided with the present correspondence. Accordingly, Applicant respectfully submits the publication relied upon by the Office is unavailable as a prior art reference against the present application. Therefore, Applicant respectfully requests reconsideration and withdrawal of the above-described rejection.

Claims 7, 10, and 11-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Markaki & Clyne, "Development of an Ultralight Stainless Steel Sheet Material." Claim 10 is further rejected in view of Shelly, "Steel Fibers Fill Lightweight Sandwich," and claims 11-14 are further rejected in view of Hoppe *et al.*, U.S. Patent No. 3,900,651. As described above, Applicant respectfully submits that the attached Declaration pursuant to 37 C.F.R. §1.132 removes the Markaki publication as a prior art reference making it unavailable for use according to the above-noted rejections. Since the Markaki publication is the primary reference relied upon by the office in the above-noted rejections, Applicant respectfully submits said rejections are no longer proper. Accordingly Applicant respectfully requests reconsideration and withdrawal of the above-described rejections.

Applicant respectfully submits that all claims as now submitted are in condition for immediate allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. If any minor informalities need to be addressed, the Examiner is directed to contact the undersigned attorney by telephone to facilitate prosecution of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

RTA01/2149665v1

Appl. No.: 10/000,117  
Filed: October 31, 2001  
Page 7

Respectfully submitted,

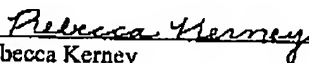


Ryan W. Cagle  
Registration No. 47,468

Customer No. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
Rebecca Kerney

2/9/04  
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RTA01/2142665v1